

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-2 (Canceled).

Claim 3 (currently amended): A method for producing a fertile transgenic Oryza sativa plant comprising the steps of: (i) establishing a regenerable embryogenic Oryza sativa callus culture ~~from a plant to be transformed wherein said callus culture is selected from the group consisting of Type I, Type II, hypocotyl-derived, and cotyledon-derived callus culture;~~ (ii) selecting a plant cell aggregate therefrom for transformation; (iii) transforming said plant cell aggregate with DNA by whisker-mediated transformation; (iv) identifying transformed cell lines therefrom; and (iv) regenerating fertile transgenic Oryza sativa plants therefrom.

Claims 4-7 (canceled).

Claims 8 (original): The method of Claim 3 wherein said plant cell aggregate is initiated on solid medium.

Claims 9-11 (canceled).

Respectfully submitted,

Donald R. Stuart

Donald R. Stuart
Registration No. 28,479
Phone: 317-337-4816

—
Dow AgroSciences LLC
Patent Section
9330 Zionsville Road
Indianapolis, Indiana 46268

Date: January 12, 2004